

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL HERNANDEZ,
Plaintiff,

v.

S. SHERMAN, et al.,
Defendants.

Case No. 1:20-cv-00938-JLT (PC)

**ORDER DIRECTING THE CLERK OF
THE COURT TO CLOSE CASE**

Plaintiff has filed a notice of voluntary dismissal. (Doc. 8.) Pursuant to Federal Rule of Civil Procedure 41(a)(1), a “plaintiff may dismiss an action without a court order by filing ... a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). Once a dismissal under Rule 41(a)(1) is properly filed, no order of the court is necessary to effectuate dismissal; the dismissal is effective automatically. *Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1078 (9th Cir. 1999). Because Plaintiff has filed a notice of dismissal, and no opposing party has appeared in this case, this action has terminated. Accordingly, the Court DIRECTS the Clerk of the Court to close this case.

IT IS SO ORDERED.

Dated: August 13, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE